



# City of Deltona

2345 Providence Blvd.  
Deltona, FL 32725

## Minutes

### City Commission

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**Monday, March 20, 2017**

**5:30 PM**

**2nd Floor Conference Room**

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#### **City Manager's Agenda Review**

#### **1. CALL TO ORDER:**

Mayor Masiarczyk called the meeting to order at 5:30 p.m.

#### **2. ROLL CALL – CITY CLERK:**

**Present:** 9 - Commissioner Alcantara  
Commissioner Bradford  
Commissioner Herzberg  
Commissioner Honaker  
Commissioner Soukup  
Vice Mayor Nabicht  
Mayor Masiarczyk  
City Manager Shang  
City Attorney

#### **3. INVOCATION AND PLEDGE TO THE FLAG:**

Mayor Masiarczyk led the Pledge to the Flag.

#### **A. Invocation Presented by Commissioner Bradford - Pastor William Bradley with New Hope Baptist Church.**

Commissioner Bradford stated Pastor William Bradley would be presenting the invocation.

Commissioner Alcantara arrived at 5:33 p.m.

#### **4. APPROVAL OF MINUTES & AGENDA:**

#### **A. Approval of minutes - Special Commission Meeting of February 23, 2017 and Regular Commission Meeting of March 6, 2017, as presented. - Joyce Rafferty, City Clerk (386) 878-8502.**

There were no questions or comments on this item.

#### **5. PRESENTATIONS/AWARDS/REPORTS:**

There were no presentations/awards/reports.

#### **6. CITY COMMISSION SPECIAL REPORTS:**

There were no Commission Special Reports.

#### **7. PUBLIC FORUM: - Citizen comments limited to items not on the agenda and comments on items listed on the agenda will take place after discussion of each item.**

City Manager Shang stated that a resident Susan Lang signed up to speak about sidewalks on Voltaire Street that is near Timberlake Avenue and there may also be a resident coming to speak about the sidewalks on Timberlake Avenue.

There were no other comments on this item.

**CONSENT AGENDA: The consent agenda contains items that have been determined to be routine and non-controversial. If anyone in the audience wishes to address a particular item on the consent agenda, now is the opportunity for you to do so. Additionally, if staff or members of the City Commission wish to speak on a consent item, they have the same opportunity.**

#### **8. CONSENT AGENDA:**

There were no items under the Consent Agenda.

#### **9. ORDINANCES AND PUBLIC HEARINGS:**

##### **A. Public Hearing - Ordinance No. 29-2016, Amending Chapter 70-30, Definitions, and Chapter 102, Signs, of the Land Development Code, at second and final reading - Chris Bowley, AICP, Director, Planning & Development Services, (386) 878-8602.**

##### **Strategic Goal: Public Safety - Sign ordinance amendment/rewrite the sign code.**

Commissioner Bradford stated she believed the sign ordinance should not even be brought up at the meeting tonight because the sign ordinance that was given to the Commission tonight has changes and is different from the sign ordinance that was put together by the Deltona Business Alliance (DBA), Jerry Mayes and Chris Bowley reverting back the changes that had prior approval. She stated the DBA has not had an adequate chance to review it; they received the ordinance at 4:00 p.m. on Friday and have not had time to re-convene a meeting. She stated according to some phone calls DBA is not happy with the ordinance.

City Manager Shang asked to give an update stating that last week there was some confusion and the wrong version went out. She stated she knew about it today and she

contacted Raphael Ramirez and Frank DeMarsh and we got the correct version. She stated there was a conference call about 4:00 p.m. today and given that the DBA has not had time to review some of the comments so they do want to continue it.

Mayor Masiarczyk stated if there is no objection, we can administratively table it.

Commissioner Bradford stated there was a section regarding signs on the right-of-way where it was agreed they were going to go to 5 feet and Mr. Bowley responded that it was explained at the first Planning & Zoning (P&Z) Meeting and the 1st Hearing that the signs would be at 10 feet because that matches our building setback line making the 5 feet be an automatic variance inside that building setback. Mayor Masiarczyk asked if we were talking 5 feet from the edge of the roadway and Mr. Bowley responded when it went to the P&Z Meeting it was at 5 feet based on a request by the DBA and at that meeting P&Z made a notation that it should be moved back to 10 feet because you are now placing signs in the building setback line.

Mayor Masiarczyk asked on vacant property if it would still be 10 feet and Mr. Bowley responded "yes". Mayor Masiarczyk stated if it is an empty lot you would not be able to find the 10 foot setback line if there is no sidewalk and you would be in the woods. Mr. Bowley responded at the P&Z Meeting it was believed it would be astute to adhere to the building setback line. Mayor Masiarczyk suggested tabling the item.

Commissioner Bradford asked to comment that in doing some research she was given a United States Sign Code by the DBA that has had many analysis done that are based on traffic patterns, two (2) lane and four (4) lane roads and speed limits to determine the size of the signs and it is very detailed. She suggested referring to this code when doing the sign ordinance so we are not just using codes from Orange City or Port Orange and we are using research that has been done. She handed out copies.

Mayor Masiarczyk stated he wanted to go back to the Commission's original goal of making the sign code as short and sweet as possible and easy to understand.

Mr. Fowler stated if the Commission tables this item to a time certain you will not have the expense of advertising it. City Manager Shang stated DBA wants to work with it and expedite it. Mr. Bowley asked if the ordinance would have to go back through the Ordinance Review Committee (ORC) and P&Z and Vice Mayor Nabicht responded it would depend on whether the changes are substantive. Mayor Masiarczyk stated this is supposed to be 2nd Reading for minor adjustments and approval. Mr. Bowley stated when Mr. Fowler first rewrote the ordinance in between the first and second reading he made major changes and the reason he pulled back on the changes was so it would not have to go back through the system.

It was determined this item would be tabled until the second Regular Commission meeting in April. He added that Mr. Baker had some additional information he wanted to share with DBA also because it will be a nightmare trying to enforce the ordinance.

Commissioner Herzberg arrived at 5:40 p.m.

Commissioner Honaker suggested it may be time for the City Attorney to meet with DBA and Mayor Masiarczyk asked the City Manager to set that up.

Commissioner Honaker spoke about the size of the election signs stating they should be 24 X 24 that nobody buys the 18 X 24's and that he even ordered size 24 X 32 to put out at the voting stations to be able to get enough information on the signs.

There were no other questions or comments on this item.

**B. Public Hearing - Ordinance No. 30-2016, Rezoning Amendment (RZ16-002) for ±1.46 acres of land located near of the intersection of DeBary Ave. and Providence Blvd., at second and final reading - Chris Bowley, AICP, Director, Planning and Development Services, (386) 878-8602.**

**Strategic Goal: Economic Development - work with existing businesses to expand and grow.**

Mayor Masiarczyk stated the next item is the rezoning on DeBary Avenue near Providence Blvd. for 2nd and Final Reading.

City Manager Shang reminded the Commission members to disclose any ex-parte communications they may have received. Commissioner Alcantara asked if speaking with staff is considered ex-parte communication and City Manager Shang responded "no". Mr. Fowler clarified that ex-parte communications would be with 3rd parties pro or con.

There were no other questions or comments on this item.

**C. Public Hearing - Resolution No. 2017-05, Budget Transfer from Equipment and Machinery Capital Outlay Replacement Fund to General Fund for Gateway Beautification - Chris Bowley, AICP, Director, Planning and Development Services, (386) 878-8602.**

**Strategic Goal: Internal & External Communication - Continue the partnership with FDOT for I-4 expansion and City beautification and beautify gateways and key locations.**

Mayor Masiarczyk stated the next item is a budget transfer for a continued partnership with the Department of Transportation for enhancement and beautification of the gateways.

It was determined it made good sense to have all the funds in one pot.

There were no other comments on this item.

**D. Final Plat (FP16-002), Howland Commercial Subdivision - Scott McGrath, City Planner, Planning and Development Services, (386) 878-8624.**

**Strategic Goal: Economic Development - focus on Howland Blvd. as the gateway for commercial growth.**

Mayor Masiarczyk stated the next item is a final plat for a Howland Blvd. commercial subdivision.

There were no questions or comments on this item.

**10. OLD BUSINESS:**

Mayor Masiarczyk commented the only thing the Commission needs to discuss under Old Business is when the Commission can pick a date for continuation of discussion of the Commission's Policies and Procedures Meeting and he asked if everyone was prepared to pick a date. There was no date determined.

Mayor Masiarczyk asked if anyone was planning to attend the State of the County Address at the Ocean Center and he asked if the Commission Members attending wanted to take the van. City Manager Shang stated she will coordinate something if anyone is attending. Mayor Masiarczyk commented if more than one (1) will be attending the City Clerk will need to be notified so she can notice the meeting. Vice Mayor Nabicht stated it takes place on March 18th at noon.

**11. NEW BUSINESS:**

**A. Short Term/Long Term Disability**

Mayor Masiarczyk stated the next item is under New Business and there were no questions or comments on this item.

Commissioner Honaker asked if under Commission Comments the Commission was operating under the old policies and procedures and are able to bring up items for discussion because we have not finished with the new policies and procedures. Mayor Masiarczyk stated you would just state what you want to be discussed at a future meeting but the issue will not be discussed.

**12. CITY ATTORNEY COMMENTS:**

**13. CITY MANAGER COMMENTS:**

City Manager Shang stated she wanted to bring up the advertisement for the City Attorney and she will give an update on the survey. She stated also on April 24th there will be a Parks Public Forum from 6:00 p.m. to 8:00 p.m. but that is also the same date as the private event for the new Halifax Health Freestanding Emergency Facility from 4:00 p.m. to 6:00 p.m. She asked if everyone was okay with the time or should she move the Public Forum to 6:30 p.m.

It was determined it would be confusing to change the time and to leave the time at 6:00 p.m.

#### **14. CITY COMMISSION COMMENTS:**

Mayor Masiarczyk stated on Saturday, April 8th there is the Firefighters/Public Safety Awards event at the library and Relay for Life is from noon to midnight on that date also. He stated he did not believe the veterans group will worry about the Commissioners coming a little late however, the gentleman who is handling the event at the library is concerned about knowing who will be attending and about preparing enough food. He stated you cannot pay for a ticket at the library as the County has a law that no money can be collected at the library; if you plan to attend please give your money ahead of time to Mrs. Jackson so it can be logged in.

Commissioner Honaker asked if the Commissioners planned on attending the Relay for Life event on April 8th, did they want to set up a tent or does the Commission just want to do the carwash. It was determined the Commission would not set up a tent however some of the Commissioners may attend at different times.

#### **15. ADJOURNMENT:**

Mayor Masiarczyk adjourned the meeting at 5:50 p.m.

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Janet Day, Deputy City Clerk